

### **REMARKS**

Claims 1, 2, 4-17, 27-50, and 60-66 were objected to for certain informalities. The informalities have been corrected by rewriting claims 1, 2, 4-17, 28-50, and 61-66.

Claims 34-50 and 60-66 were rejected under 35 U.S.C. §112 first paragraph, as failing to comply with the written description requirement, the Examiner stating that the feature of the film not being coated with an electrically conductive layer has not been found supported in the applicant's disclosure. In an interview summary mailed on November 17, 2003, confirming an interview held on November 10, 2003, the Examiner indicated that claims 34-50 and 60-66 would be allowable if the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action were overcome by amending the claims. It is respectfully submitted that the rejections to be overcome are actually those under 35 U.S.C. §112, first paragraph, as set forth above. The Interview Summary further states that there are no prior art rejections with respect to claims 34-50 and 60-66.

Applicant respectfully submits that the feature of claims 34-50 and 60-66 in question, that the film is not coated with an electrically conductive layer, is supported in the specification on page 6, lines 6-16 and thus, claims 34-50 and 60-66 should be allowed.

Claims 1, 2, and 4-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Kirjavainen (US 4,654,546) substantially as set forth in the Office Action mailed on September 11, 2002. Claims 11-14, 17, 27, 28, and 30-32 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Kirjavainen substantially as set forth in the Office Action mailed on September 11, 2002. Claims 15 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kirjavainen in view of the admitted prior art as substantially set forth in the Office Action mailed on September 11, 2002.

Claims 16 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kirjavainen substantially as forth in the Office Action mailed on September 11, 2002.

In the Examiner's Response to Arguments, it is stated that, "The declaration shows that differences in the process for making the film would lead to the structural distinction between a full-cell type film and a swelled cellular film. However, nothing specific about the processing steps had been included in the claims." Office Action, page 5, lines 7-10.

Independent claims 1, 5, 6, 11, 13 and 27 have been amended to include the feature that the film is pressure inflated from prefoamed plastic film, which makes the film structurally different from a film layer foamed to be of full-cell type, which is all that is disclosed in Kirjavainen, as argued in the amendment filed herein on February 25, 2003, (page 11 lines 3-9), and which difference is also indicated in the Declaration Under 37 C.F.R. 1.132 (paragraphs 1, 3), accompanying that amendment.

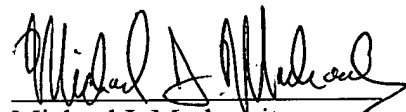
### CLOSING

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that independent claims 1, 5, 6, 11, 13, 27, 34, 38, 39, 44, 46, and 60 are in condition for allowance, as well as those claims dependent therefrom. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
Michael I. Markowitz  
Reg. No. 30,659

KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NY 10022  
(212) 940-8687  
DOCKET NO.: HEIN 13. 968A  
MIM: rm  
CUSTOMER NO.: 026304